

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings of claims in the application.

**Listing of Claims:**

1. (Previously Presented) A method for protecting consumer personal data, the method comprising:
  - receiving an application for a payment instrument, wherein the application comprises personal data and a privacy preference of a consumer, and wherein the application is requested before the payment instrument is issued;
  - saving the application in electronic form in a database that is associated with an issuing financial institution who issued the payment instrument;
  - storing at least some of the personal data and the privacy preference onto the payment instrument, wherein the payment instrument further includes consumer account information necessary to tie a debit or credit payment transaction to a consumer account that is associated with the issuing financial institution;
  - receiving a purchase request at a credit or debit processing system that is associated with a merchant financial institution, wherein the purchase request is in response to presentation of the payment instrument and includes the customer account information and at least some of the personal data and the privacy preference from the payment instrument; and
  - saving the privacy preference in a database associated with the merchant financial institution;
  - whereby the purchase request provides the consumer account information as well as the personal data and the privacy preference from the use of the payment instrument, without separate entry of the personal data and the privacy preference from an instrument other than the payment instrument.

2. (Original) A method as in claim 1, wherein the payment instrument comprises a credit or debit card having a magnetic stripe, and wherein at least some of the personal data and the privacy preference are electronically stored on the magnetic stripe.

3. (Original) A method as in claim 1, wherein the payment instrument comprises a check, and wherein the privacy preference is printed onto the check.

4. (Original) A method as in claim 1, wherein the payment instrument comprises a credit or debit card with a processor and electronic memory, and wherein the personal data and the privacy preference are electronically stored in the memory.

5. (Previously Presented) A method as in claim 1, further comprising reading the personal data and the privacy preference at a merchant location when the consumer is making a purchase using the payment instrument, and transmitting the personal data and the privacy preference to the credit or debit processing system.

6. (Original) A method as in claim 5, further comprising mailing marketing material to the consumer only if permitted by the consumer's privacy preference.

7. (Original) A method as in claim 1, wherein the privacy preference indicates that the consumer would like to receive marketing material only from merchants that the consumer does business with.

8. (Original) A method as in claim 1, wherein the privacy preference indicates that the consumer would like to receive marketing material only from merchants that the consumer does business with and their affiliates.

9. (Original) A method as in claim 1, wherein the privacy preference indicates that the consumer would like to receive marketing material only from the bank that the consumer does business with.

10. (Original) A method as in claim 1, wherein the privacy preference indicates that the consumer does not want any marketing material.

11-20. (Canceled)

21. (New) A method for protecting consumer personal data, the method comprising:  
receiving an application for a payment instrument, wherein the application comprises personal data and a privacy preference of a consumer, and wherein the application is requested before the payment instrument is issued;

saving the application in electronic form in a database that is associated with an issuing financial institution who issued the payment instrument;

storing at least some of the personal data and the privacy preference onto the payment instrument, wherein the payment instrument further includes consumer account information necessary to tie a debit or credit payment transaction to a consumer account that is associated with the issuing financial institution;

receiving a purchase request at a credit or debit processing system that is associated with a merchant financial institution, wherein the purchase request is in response to presentation of the payment instrument and includes the customer account information and at least some of the personal data and the privacy preference from the payment instrument; and  
saving the privacy preference in a database associated with the merchant financial institution;

wherein the purchase request provides the consumer account information as well as the personal data and the privacy preference from the use of the payment instrument, without separate entry of the personal data and the privacy preference from an instrument other than the payment instrument; and

wherein the payment instrument comprises a check, and wherein the privacy preference is printed onto the check.

22. (New) A method as in claim 21, further comprising reading the personal data and the privacy preference at a merchant location when the consumer is making a purchase using the

payment instrument, and transmitting the personal data and the privacy preference to the credit or debit processing system.

23. (New) A method as in claim 21, further comprising mailing marketing material to the consumer only if permitted by the consumer's privacy preference.

24. (New) A method as in claim 21, wherein the privacy preference indicates that the consumer would like to receive marketing material only from merchants that the consumer does business with.

25. (New) A method as in claim 21, wherein the privacy preference indicates that the consumer would like to receive marketing material only from merchants that the consumer does business with and their affiliates.

26. (New) A method as in claim 21, wherein the privacy preference indicates that the consumer would like to receive marketing material only from the bank that the consumer does business with.

27. (New) A method as in claim 21, wherein the privacy preference indicates that the consumer does not want any marketing material.

28. (New) A method for protecting consumer personal data, the method comprising:  
providing the consumer with a payment instrument having stored thereon a privacy preference and personal data, wherein the payment instrument further includes consumer account information necessary to tie a debit or credit payment transaction to a consumer account;  
reading the privacy preference, personal data and the consumer account information from the payment instrument when making a purchase at a merchant location, wherein the consumer account information is read to provide payment to a merchant and wherein the consumer account information as well as the personal data and the privacy preference are provided from the payment instrument, without separate entry of the personal data and the privacy preference from an instrument other than the payment instrument;

saving the privacy preference in a merchant database; and  
contacting the consumer only in accordance with the privacy preference;  
wherein the payment instrument comprises a check, and wherein the privacy  
preference is printed onto the check.